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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,695	11/25/2003	Russell Bonaventura	LEAP:126US	6297

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EXAMINER

PRITCHETT, JOSHUA L

ART UNIT	PAPER NUMBER
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2872

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/721,695

Applicant(s)

BONAVENTURA ET AL.

Examiner

Joshua L. Pritchett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 2-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

This action is in response to Amendment filed February 21, 2007. Claims 2, 16 and 17 have been amended as requested by the applicant.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 4-6, 8, 11 and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woo (US 6,018,415) in view of Leitz Service ("Ergolux B 0 1-Ersatzteilliste").

Regarding claims 2, 16 and 17, Woo teaches an upper stage (45) having left and right sides (Fig. 6), a slide mount (42), a rod (43) and a releasable attachment means wherein the releasable attachment means is arranged to directly attach the rod to the slide mount guide (belt and pulley system 60-62), the slide mount guide attached to the slide mount (Fig. 6; col. 5 lines 27-30) to operatively position the rod on the left or right side of the upper stage (Fig. 6; rod on right hand side), the upper stage supports the slide mount (Fig. 1), the upper stage is arranged to move in a first direction in response to a translational movement of the rod in the first direction

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and the slide mount is arranged to move in a second direction , orthogonal to the first direction, in response to a translational movement of the rod in the second direction (col. 6 lines 58-62).

Upper stage (45) is connected to both the slide mount (42) and the Y direction moving stage (44) so the upper stage must move in both the X and Y direction wherein the shaft is attachable to the slide mount guide to operatively position the shaft on the left or right side of the upper stage (Fig. 6; col. 5 lines 45-55).

Regarding claims 4, 8 and 11, Woo teaches the invention as claimed but lacks reference to the type of releasable attachment and a joystick. Leitz Service teaches the releasable attachment means is a screw (59). Element, 59, is described as a Schraube, which translates to mean a screw. Leitz Service teaches a joystick (25), wherein the releasable attachment means is arranged to attach the joystick to the slide mount (Figure). Leitz Service teaches the rod being substantially solid (Figure). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the Woo invention include the attachment means and joystick of Leitz Service for the purpose of reliably attaching the rod to allow operation without it falling off and easy movement of the slide mount.

Regarding claim 5, Woo teaches the rod comprises a distal portion, an intermediate portion and a proximate portion (Fig. 4).

Regarding claim 6, Woo teaches the proximal portion is attached to the slide mount, the intermediate portion connects the distal end and the proximal portion and the distal portion is disposed in space substantially perpendicular to a longitudinal axis of the stage assembly (Fig. 4).

Regarding claim 18, Woo teaches a slide mount guide (51) fixedly connected to the slide mount guide (belt pulley system 60-62), where the releasable attachment means is arranged to attach the rod to the slide mount guide (Fig. 4).

Regarding claims 19-21, Woo teaches the slide mount guide is positioned between the upper stage and the slide mount (Fig. 6).

Claims 3, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woo (US 6,018,415) in view of Leitz Service ("Ergolux B 0 1-Ersatzteilliste") as applied to claim 2 further in view of Kraft (US 6,049,420).

Woo in combination with Leitz teaches the invention as claimed but lacks the specifics of the rod. Kraft teaches the rod is substantially hollow, circular tube (Fig. 2). Fig. 2 shows in the cut away portion of the rod that the inside of the rod appears to be hollow. Kraft teaches the rod comprises a plurality of grooves substantially parallel to each other (Fig. 2). The crossed marks on the rod shown in Fig. 2 include portions that are substantially parallel. Kraft teaches the rod comprises a plurality of protuberances that are substantially parallel to each other (Fig. 2). The raised portions between the marks on the rod shown in Fig. 2 are substantially parallel. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the Woo rod include the specifics as taught by Kraft for the purpose of forming a more ergonomic grip for the user to actuate the rod.

Claims 7 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woo (US 6,018,415) in view of Leitz Service ("Ergolux B 0 1-Ersatztelliste") as applied to claim 2 further in view of Nishida (US 2003/0169492).

Woo in combination with Leitz teaches the invention as claimed but lacks reference to a gripping means. Nishida further teaches a gripping means (12) arranged to be detachably secured to the rod (Fig. 7). Fig. 7 shows a screw used to attach the gripping means (12) to the rod. Nishida further teaches the distal portion of the rod tapering at the end (Fig. 6). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have the Woo rod be have the features as taught by Nishida for the purpose of allowing the rod to be easier to grip and weigh less to minimize the momentum transfer to the slide mount.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woo (US 6,018,415) in view of Leitz Service ("Ergolux B 0 1-Ersatztelliste") as applied to claim 2 further in view of Yoshioka (US 5,907,157).

Woo in combination Leitz teaches the invention as claimed but lacks reference to a square gripping means. Yoshioka teaches the use of a substantially square (28) gripping means, rotatable plate arranged to be detachable secured to the distal portion of the rod (Fig. 2; col. 4 lines 19-30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the Woo rod include the Yoshioka square attachment for the purpose of allowing the user to grip the rod in a more comfortable position to allow easier movement of the upper stage through the rod.

Response to Arguments

Applicant's arguments filed February 21, 2007 have been fully considered but they are not persuasive.

Applicant argues the prior art does not teach the rod capable of attaching to both the right or left hand side of the upper stage. The claim language does not require such a limitation. The claim language states the rod is positioned, "on the left or right side." There is no indication in the claim language that the rod is capable of removal from one side and attachment to the other side. The claim language only requires the rod be able to attach to either the left or the right side of the upper stage. The Woo reference shows the rod attached to the right hand side and therefore satisfies the claim limitation.

Applicant argues Leitz Service Manual is only capable of use for right handed users. As stated above the claim language does not require the rod be able to be attached to both the left and right hand side.

Applicant argues it is impossible to configure Woo for use for both right and left handed users. This limitation is not in the claim language therefore this argument is moot.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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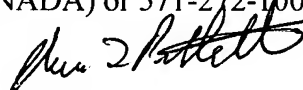
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua L. Pritchett whose telephone number is 571-272-2318. The examiner can normally be reached on Monday - Friday 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone Allen can be reached on 571-272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Joshua L Pritchett
Examiner
Art Unit 2872



Stephone B. Allen
Supervisory Patent Examiner